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23552	7590	12/18/2008	EXAMINER	
MERCHANT & GOULD PC			OMGBA, ESSAMA	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

***Response to Arguments***

1. Applicant's arguments filed December 3, 2008 have been fully considered but they are not persuasive.

In response to Applicant's argument that including a second plurality of the side elements defining side exits extending transversely relative to the linear mating edges, and generally parallel to the planar top surface within the channel section disclosed by Miranda is not capable of instant and unquestionable demonstration as being well-known, the examiner submits that support evidence has been provided, as attested by the patent to Bernard, to support the Official notice argument. Indeed in column 1, lines 12-22, Bernard discloses that cable raceway and duct systems can include various sections of duct or raceway, including straight sections, 90 degree corner fittings, 45 degree corner fittings, T fittings, four-way intersections (X) fittings, and the like. See also figure 12 of Bernard that shows a side exit extending transversely relative to the linear mating edges, and generally parallel to the planar top surface within the channel section. The examiner maintains that one of ordinary skill in the art would know how to incorporate such side exit in the duct system of Miranda by affixing such side exit between two sections of the duct system of Miranda by way of a duct coupler.

In response to Applicant's argument that there is no suggestion provided as to how one would take the fittings disclosed by Bernard and incorporate the linear sections disclosed by Miranda to arrive at the claimed inventions, the examiner submits that, as shown above, in column 1, lines 12-22, Bernard discloses that cable raceway and duct systems can include various sections of duct or raceway, including straight sections, 90

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degree corner fittings, 45 degree corner fittings, T fittings, four-way intersections (X) fittings, and the like. See also figure 12 of Bernard that shows a side exit extending transversely relative to the linear mating edges, and generally parallel to the planar top surface within the channel section. The examiner maintains that one of ordinary skill in the art would know how to incorporate such side exit in the duct system of Miranda by affixing such side exit between two sections of the duct system of Miranda by way of a duct coupler.

In response to Applicant's argument that Bernard teaches away from forming a base element and a plurality of side elements mounted thereto and cannot be combined with Miranda because Miranda states that "The coupler 100 has an inner wall consisting of two side walls 110 and a bottom wall 120, which are preferably integral and continuous", the examiner respectfully disagrees. The term "preferably" suggests that preference is given to a particular embodiment in lieu of alternative embodiments; therefore the only thing that can be inferred from the cited portion of the Bernard reference is that Bernard favors an integrally formed routing system over one that is formed of separate elements.

In response to Applicant's argument that the base elements shown in figures 10 and 12 of Bernard cannot be combined with the side elements 3 of Miranda to arrive at the claimed inventions because the elevation of the locking structure of Miranda would not allow side exits to extend transversely relative to the linear mating edges, and generally P\parallel to the planar top surface, the examiner respectfully disagrees. As outlined above, in column 1, lines 12-22, Bernard discloses that cable raceway and duct

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systems can include various sections of duct or raceway, including straight sections, 90 degree corner fittings, 45 degree corner fittings, T fittings, four-way intersections (X) fittings, and the like. See figure 12 of Bernard that shows a side exit extending transversely relative to the linear mating edges, and generally parallel to the planar top surface within the channel section. The examiner maintains that one of ordinary skill in the art would know how to incorporate such a side exit in the duct system of Miranda by affixing such side exit between two sections of the duct system of Miranda by way of a duct coupler, this type of coupling would indeed provide side exits extending transversely relative to the linear mating edges, and generally parallel to the planar top surface.

In response to Applicant's argument that claims 1-6 recite specific structures for each of the elements that allow the elements to be assembled according to the steps of the claimed methods, the examiner submits that the structures recited in the claims are taught by Bernard and Miranda as outlined in the above rejections. Applicant has not identified any structure that is recited in the claims and is not taught by Bernard and/or Miranda. The examiner has further shown as the combination of Bernard and Miranda could be carried out based on the disclosure of both references.

In view of the above remarks, the examiner maintains that a *prima facie* case of anticipation, or in the alternative, of obviousness has been established in the instant application.